

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

**JOINT PROPOSED VOIR DIRE**

The United States, on behalf of both parties, respectfully asks the Court to utilize the following questions when conducting voir dire. The parties reserve the right to modify or supplement these requests up until the time of trial.

Respectfully Submitted,

DAVID C. WEISS  
United States Attorney

BY: Shawn A. Weede  
Shawn A. Weede  
Graham L. Robinson  
Assistant United States Attorneys

Dated: September 26, 2021

This case is captioned United States v. Toron Crocker. The defendant is charged with the production of child pornography and possession of child pornography. The defendant has pleaded not guilty to the charges. The trial in this case is expected to last a total of four business days, including today's proceedings.

1. The government is represented by Assistant United States Attorneys Shawn A. Weede and Graham L. Robinson. Have you, any member of your immediate family, or a close friend had any dealings with these attorneys or the United States Attorney's Office in the District of Delaware?

2. The defendant is Toron Crocker. The defendant is represented by Rocco C. Cipparone, Jr., Esq. Do you, any member of your immediate family, or a close friend have any connection of any kind with these individuals?

3. I am now going to read the names of persons and/or entities who you may hear from or about at trial: Tyesha Pinder; Michael Lipsner; Meghan Gneiting; Jacqueline Dougher; Jodie Hively; Linh Phung; Rachel Corn; Kristopher Long; Josh Rees; Todd Heller; Todd Moody; the FBI; Dropbox; Google; Samsung; the Delaware Office of Vital Statistics; Seagate; and Gateway. Do you personally know any of the persons I just listed or do you have any connection to any of the entities?

4. Have you read or heard anything concerning this case?

5. Have you ever been involved in a criminal or a civil case or as a member of a grand jury in either federal or state court? And by "involved," I mean as a party – like a plaintiff or defendant – or as a witness. And if so, is there anything about that experience that would make it difficult for you to sit in this case?

6. If you have ever been involved with a civil case or as part of a grand jury investigation, do you understand that the burden of proof in a criminal case is higher than the burden of proof in a civil case or in a grand jury investigation?

7. Have you or has any member of your family ever been arrested for or convicted of a crime?

8. Have you or any member of your family ever been a witness to or victim of a crime?

9. Have you or has any member of your family applied to, been employed by, or been investigated by, any law enforcement agency, including any local police, private security, or federal agency?

10. Have you, or any relatives or close friends, have any legal knowledge or training in the law, including formal education or informal experience, such as working in a law firm, a legal department, a prosecutor's office, or in any other capacity?

11. Do you believe that a person is guilty just because they have been indicted and charged with a crime?

12. Have you or a member of your family ever been involved in or had any negative experience with any department or agency of the United States?

13. Would you give more or less weight to the testimony of a law enforcement agent or police officer than you would a civilian witness – including the defendant should he choose to testify – simply because that person is employed as a law enforcement agent or police officer?

14. Do you know of any reason why you may be prejudiced for or against the government?

15. Do you have any feelings toward any racial or ethnic group that would cause you to judge a member of the group differently than you would judge a member of your own racial or ethnic group?

16. The defense is never required to call any witnesses. However, if the defense chooses to call a witness, would any of you tend to believe or disbelieve a witness just because he or she testifies on behalf of the defense?

17. The defendant is charged with production of child pornography and the possession of child pornography. Do you hold any beliefs, feelings, or prejudices regarding these types of prosecutions such that you could not sit as a fair and impartial juror in this case?

18. Is there any other reason you would not be able to sit in judgment of another individual, or follow my jury instructions in the case, because of your personal, religious, philosophical, or other beliefs?

19. If you are selected as a juror in this case, you will take an oath to render a verdict based upon the law as given to you by the court. You will be required to accept the law as I instruct you without regard to any personal opinion you may have as to what the law is or should be. Is there any reason you would not be able to reach a verdict in accordance with the law as given to you in the instructions of the court?

20. This trial may last up to four business days, including today. Is there any reason why you would not be able to participate in this jury due to this schedule?

21. Does anyone have any medical condition, for instance, a visual or hearing impairment, which might affect his or her ability to devote full attention to this proceeding?

22. Have you or any of your relatives or close personal friends ever had any experience or relationship with a person who has engaged in or been accused of criminal sexual activity with or involving a child, or possessed or manufactured child pornography?

23. Have you or any of your relatives or close personal friends ever been the victim of criminal sexual activity, including any form of sexual abuse or child pornography?

24. Have you or any of your relatives or close personal friends ever been involved in a child protective services investigation regarding sexual contact with a minor or child pornography?

25. Do you object to the fact that there is no right under the First Amendment to the United States Constitution to produce or possess images or videos of child pornography, that is, visual depictions of children less than 18 years of age engaging in sexually explicit conduct?

26. During the trial, you will view depictions of sexually explicit conduct involving minor children. Would being exposed to such material make you so uncomfortable as to impede your ability to be a fair and impartial juror in this case? More specifically, would you still be able to find the defendant not guilty if the government failed to prove another element in the case, such as the purpose or intent

for which such depictions were made, or the manner or means by which such depictions were made?

27. Mr. Crocker has pleaded not guilty to the charges. He is presumed innocent. Do you have any difficulty presuming that Mr. Crocker is innocent now based on what you have heard so far?

28. As jurors, you will be required to listen to the evidence with an open mind, and to not make a decision about the verdict until after you have heard all the evidence, heard the law as I instruct you, and retire for your deliberations. Would you have difficulty following this rule?

29. In a group situation, if your opinion differs from the opinion of others in the group, would you have a problem expressing your opinion?

30. Even if you feel like you would like to hear the defendant testify, do you understand that Mr. Crocker has no obligation or duty to explain his side of the case. That is because under our United States Constitution, a defendant has an absolute right to remain silent. A defendant is not required to testify or present his side of the story to the jury at all, and the jury may not consider the fact that the defendant chooses not to testify. Nonetheless, would you hold it against Mr. Crocker if he does not testify?

31. Is there any other reason that you feel you would not be able to sit as a fair and impartial juror in this case?